

App. F. IX-4
1-28 (8, 10)
1-28 (5, 6, 7, 9, 11) 193
Previous References

File No. 1-28

Serial Nos. 14, 15, 20, 68
82-84 86-91

69-15 (3-25)
124-00 (1-7)
5-27 (46, 48 etc 60-71)
Later References
3-31 (40, 41)

" 1-28 (91, 92)

" 82-84 (1-2)

General and Revenue Secretariat.

Preserve (11)

Serial Nos. Fourteen

Part B for March 31

SUBJECT.

Grant of licenses for the export of sulphur and gun-powder from Bombay to Mysore state by certain persons.

General and Revenue
Secretariat.

File No.

of 1928

Serial
No.14 From the Secy. to the Honble
Resident

No. 8591 & 12-9-28

Returns the application of Messrs
S. ab Jand Sub, & P. M. Basaych and
states that British India
non Judicial stamps or cash
or Mysore General stamps & papers
~~sold~~ purchased in the C.M. Str
are necessary in licenses of the
kind applied for

15 From the Secy. to the Resident

No. 8759 & 18-9-28

Returns with the above
suggestion the applⁿ of Mr. B. —
Venkateswaraiah, a, Sakleshpur.

1) Refers: relating to the grant of
licenses in respect of the above 3
applicants are herewith subd. along
with a copy of Indian Census
Rules of 1924.

2) Among so many many applications
that were forwarded to the Resident
objection has been taken for the
first time only in these cases &
attention is invited to paras 39 (p. 13)
and 52-55 (page 18) of notes in

2263
2430 (2

2

App. F. III-2]

General and Revenue
Secretariat.

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Serial
No.

Serial 118-76 as per records the use of
empire stamps.

3) It appears the said Law Secy.
will be consulted again in as
regards the point raised by
the Secy. to the Resident, in his personal
letter.

21.9.28

4) The Legal Remembrancer may
be consulted on point marked A
in the Resident's letter.

See D)

WT

21/9

5) Is not the import of arms & ammunition
under the Arms Regn on a different
footing from that of explosives under the
Explosives Regn? I believe that in the
first case, the Resident is an authority
appntd by the Br. Gov. law, and that
in the second, he acts in virtue of powers
vested by the Mysore law. Please
forward the Regns

WT

24/9/28

WT

24/9

6) Regns nos. II of 1888 (Mysore Explosives Regn)
+ VI-1890 (amended by III of 1928 - Arms Regn)

Urgent

2263
2430

(3)

3

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General and Revenue
Secretariat.

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No.

put up 40 per cent.

25/2/28 1/5 Please bring up.

UD

8) The marginally noted Act, Regulation & Rules are placed below for reference: -

- The Indian Arms Act (1878)
- & The Indian Arms Rules (1924).
- ^{Mys} The Explosive Regulation (1888)
- ^{Mys} The Arms Regulation (1890)
- The Explosive Rules (1920)
- The Arms Rules (1926).

The point for decision now is - the nature of the stamps to be affixed to applications for the import of

- i) Ammunition.
- & ii) Explosives.

9) As regards the import of ammunition, it will be seen that our Arms Regulation has no provisions dealing with it. Such import is regulated by the Indian Arms Act and the Rules framed under it. (Please see Sec. 6. of the Act and Rules 5-13 of the Rules) - Under Sch. VI of the Indian Arms Rules, the ^{Assistant} Resident in Mysore is the Officer empowered to grant the licence, in respect of applications for importing ammunition into the State. Under Rule 48 of the same Rules, the fees payable have to be paid by means of non-judicial stamps (i.e. British ^{Indian} stamps) or in cash, at the option of the applicant.

10) Regarding the import of explosives, however the position is different. The import of

Flag M

Page 40

Serial
No.

Flag.T.

Flag.V.

Vijaya

Explosives into the state is governed by Sec 4 (1) of the Mysore Explosives Reglⁿ and Chap. III of the ^{Mys} Explosives Rules. Under Sch. I of these Rules, it is the Hon'ble the Resident in Mysore who is authorised to grant the licence for the import of explosives. As the import licence is granted under our rules, the fee leviable (viz. Rs 5/- in each case), have to be paid by means of general stamps (Mysore Stamps), under Rule 54 of the Rules.

"1) The Residency in returning a number of these applications recently forwarded to them, with Mysore stamp paper in each case, have returned them, with a request that the parties may be directed to pay the licence fee in the form of a) British India gen. & stamps or b) in cash

or c) by means of Mysore general stamp paper purchased in the C. & M. Station, Bangalore.

"2) It will be seen from the application that have been returned by the Resid^t, that they were some of them, for the import of explosives, and not ammunition. The definition of these ^{two} terms in the Regulations, may be kindly formed in this connection: as defined, the terms are not really overlapping.

"3) The L. R. may be consulted -

"4) Subd for orders with p. refer -

- 1) Mr. Sanyal
- 2) " P. M. Banerjee
- 3) " G. Venkateswaraiah
- 4) " Mahmud Ghossein (Liaison)

1029 928
- P

22.3.3
26.3.3
27.3.3

8

App. F. III-2]

General and Revenue
Secretariat.

Geol

File No. 1

of 1928

Immediate.

Serial
No.

15) Forwarded with complets to the Legal Branch -
branches for favour of opinion

NH

3 10 28

WP

3/10

Pages 7-9 (Notes)

16) My opinion is placed below

Devle-Tygon
with ~~complets~~

88

6/10

2

17) The effect of the L. R's opinion seems
to be

(1) each transaction requires an
(a) export license for export from Br India
to Mysore and (b) an import license
~~for import~~ into Mysore;

(2) for the export license British
stamps or cash payment is requisite

(3) for the import license Mysore stamp
is necessary

18) This would mean that the Mysore
importers would have to pay two fees, for
it is hardly to be expected that the British
Indian exporters would consent to bear the
export fee.

19) I think the best course is to enter
into an arrangement whereby only one fee
(export or import) is levied, and the

NOTE—Contn. Sheet.

General and Revenue
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No.

realisations are shared equally between
Myanmar & British India.

1st Member)

UP
8/10/28

Members' orders:

20) Are there ~~explosive~~ export licenses
provided for in the Br Indian Explosives
rules? And if so do such licenses
require Br. India stamps when the
explosives are required to be imported
into Indian States?

21) This position too exp

22) If export licenses ~~are~~ ^{for explosives} provided
in the Br Indian law, how does
it happen that they have not
been provided for in ours?

UP

File

8/10/28

UP

9/10/28.

Geol. 1-28

C P I N I O N.

23/ The Residency has returned certain applications for licenses to import explosives and ammunitions for their being stamped according to rule 48(1) of the Indian Arms Rules of 1924. The applicants have paid the fee in the shape of impressed stamps of the Mysore Government. The question that therefore arises for consideration is whether they have to bear British Indian Stamps or Mysore Stamps.

24/ In Geology File 118 of 1926 Serials 16-18, the same question was considered and in my note dated 30th November 1927, I held that since the Resident grants the license as per the rules framed under the Mysore Explosives Regulation II of 1888, the fees have to be collected by means of Mysore Impressed Stamps. The Residency seem to think that the licenses they grant are export licenses granted under the Indian Arms Rules in which case, it is clear that they have to be stamped as prescribed in rule 48(1) of the Indian Arms Rules. But it is apparent that an export license granted under the Indian Arms Rules cannot enable a subject of Mysore to import into Mysore, for which it is essential that an import license should be taken as prescribed according to the law in force in Mysore. Neither the Mysore Arms Regulation VI of 1890 nor the Mysore Arms Rules deal with the import of ammunition. This is because it is

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Attended to

22
210

This word "export to"
in the Ind. Arms Rules
implies "import into"

dealt with in the Mysore Explosives Regulation II of 1888 and the Rules under it. An explosive as defined in section 3 ⁴ Cl(i) of Regulation II of 1888 includes ammunition as defined in the Arms Regulation. Under Section (4) of the Explosives Regulation, the Government of Mysore is empowered to make rules regulating or prohibiting the importation of explosives. Accordingly rules 11 to 14 are framed prescribing a license to import and the authority entitled to grant such license is the Hon'ble the Resident in Mysore (See rule 38 and Schedule I of the Mysore Explosives Rules). Thus it is clear that the Resident ought to grant the import licenses according to the law in Mysore.

25) If a Mysore subject wants a license export ammunition out of British India then, he may require an export license stamped according to the Indian Arms Rules. But as I understand, the applicants do not require such licenses. They place usually orders with ammunition merchants in British India who send the goods by Railway. It is therefore the sender that requires the export license under the Indian Arms rules. The Mysore dealer only imports the goods and under the Mysore law requires an import license. If however the Mysore dealer purchases the ammunition in British India and himself exports the goods ~~to~~ out of British India to Mysore, then perhaps he will have to take an export license under the Indian

Exol. 1-28
3.

9

Arms Rules as well as an import license under the Mysore Explosives Rules, the authority to grant both being under the circumstances of the case the Hon'ble the Resident in Mysore.

Stacoffa
Legal Remembrancer
6. 10. '28

General and Revenue
Secretariat.

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26) Please put up a report to the
Members that pending final
decision regarding the
question whether license
stamps + not Br. stamps
should be used on import
licenses, Br stamps, or
may be used or can be
used on ~~such~~ licenses
applies for such licenses

W.P.
9/10

8 10 28

W.P.
9/10

27) Draft filed.

28) 9.10.28

28) Dfr for considⁿ
Su'D)

W.P. 9/10/28

29) 1st Member)

W.P.

9 10 28

W.P.

9/10

30) Mue

9/10/28

31) Issue

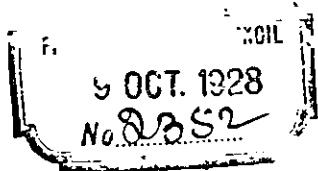
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Immediate.



NOTE—Contn. Sheet.

16

26/5

General and Revenue
Secretariat.

Genl

File No.

of 1928.

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No.

20

to the Dist. Magistrates
no. D. 4283-90 & 12-10-28
states that, pending final
decision regarding the question
whether Mysore stamps and not
British stamps should be used,
Por. Stamp may be used on Cash
paid on applications for
licenses for the importation
of explosives.

8-27 A

32) Ref^d Para 20 & 27 for the First
Meeting comm. - (Page 6 of notes)

33) In favour of further action

Post Por }
with compls }

WD

15/10/28

34) Please put up reply to a letter in
the points raised in letter 20 of 22

h
4/10

Key

35) Encl with Explosives Regⁿ and Rules
there under. The Indian Arms Rules
and Explosives Rules are also in
the file

36) The question is what kind of
Stamp is required to be affixed
to applications for licenses for the
importation of explosives into Mysore.

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Under Rule 38 the licensing authority is the Hon'ble the Resident in Mysore. (Vide Schedule I Column 5). As regards the form of license it is stated that it is such form as the Hon'ble the Resident in Mysore may prescribe. By virtue of the authority if the fee to be paid is required to be collected in the manner laid down in Rule 48(1) of the Indian Arms Rules; there seems to be no other way. Read with effect

Am
21/10/20

37) The articles in question are not all enumerated in the Residency letter. Those specified in it are gunpowder & sulphur. Gunpowder appears to come within the definition of "ammunition" and "sulphur" is explicitly included in "Military stores" as defined in the Indian Arms Act. And under Rule 17 and Schedule VI of the Indian Arms Rules ~~ammunition~~ license granted by the Hon'ble the Resident in Mysore is necessary for

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for exporting these articles from British India to Mysore and under Rule 48 of the Indian Arms Rules the fee due on such a license has to be paid by means of British Indian non-judicial stamps. ~~There is no provision~~. There is no provision in the Indian Explosives Act or Rules for the grant of export licenses thereunder. The Resident therefore acts under the Indian Arms law in such cases, he has authority to do so & he cannot be required to act under the Mysore rules relating to import of explosives instead. No exception can therefore be taken if he requires the payment of fee, for in respect of such licenses, by means of British Indian stamps or Mysore stamps purchased in the C.M.E. Station.

38) It is not clear how the Resident came to be appointed as the authority for granting import licenses under the Mysore Explosives Rules. ~~Chairperson~~ was introduced for the first time ^{revised} this provision was made for the first time in the Mysore Expl. Rules of 1918 & the file relating to the framing of these Rules does not show why it

By because it is
no authority under the
Ind. Arms Rules to grant
license for export to (i.e.
Mysore) ^{Chair}
27.5.29

NOTE—Contn. Sheet.

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was introduced or whether the British
the Resident was even informed of it.
As he is the only authority to license
imports ^{into Mysore from India} of explosives (which come within
the definition of ammunition or military
stores under the Indian Arms law)
he is perhaps mentioned in Schedule I
to the Mysore Expt. Rules merely to make
that Schedule self-contained for
convenience of reference and not
for the purpose of indicating that
he exercises his ^{power} authority in this
respect under the Mysore Rules. If an
explosive to be so imported cannot be
classed as ammunition or military
stores under the Indian Arms law, ev.
the explanation suggested above will not
hold good as the ^{Resident} ^{for its import}
has no power to grant a license either
under the Indian Arms law or under the
Indian ^{Expt.} law & he does not seem
to be an authority to
import licenses under the Mysore Expt.
It seems necessary therefore to ^{amend}
amend ^{entry} ~~entry~~ no. 1 in Schedule I to these

(Sey)

This seems to be the
explanation
Cler
27/5/29

General and Revenue
Secretariat.

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39

The questions that are asked in paras 20 to 22 are

(1) Are there export licenses provided for in the British Indian Explosives Rules? And if so, do such licenses require British Indian Stamps when the explosives are required to be imported into Indian States?

(2) If export licenses for explosives are provided for in the British Indian Law, how does it happen that they have not been provided for in ours?

40 The Indian Explosives Rules do not provide for any export licenses, since the Indian Explosives Act IV of 1884 is an act to regulate the manufacture, possession, use, sale transport and importation of explosives, and section 5 gives power to make rules for the same. But the Indian Arms Act Section 6 and the Rules thereunder, provide for an export license, in the case of arms, ammunition or Military Stores as defined in Section 4. Consequently in the case of explosives such as gun powder and sulphur which come under the definition of "ammunition and Military Stores", Export licenses under the Indian Arms Rules become necessary and the Resident who is the authority to grant them must require stamps as prescribed in rule 48 (1) of the Indian Arms Rules.

16235.4
p 5

26/5

16

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41) The Mysore Explosives Regulation and the Rules provide for an importing license (See Section 4 of the Regulation and rule 11 of the Rules) and the authority to grant such licenses is the Resident (Vide Schedule I and rule 38) and it is clear that it is the Mysore Stamp that have to be used for these import licenses.

42) The second question does not arise, since even under the Indian Explosives Rules, no export license is needed. But the Mysore Arms Regulation and the Rules thereunder do not perhaps for obvious reasons provide for any export license, similar to the one provided for the Indian Arms Rules.

developed by
with Comps
Secy

P. H.
1/4
1-4-29
Secy
6-4-29

8/4

43) The position seems to be this:
For arms, ammunition or Mil^y stores as reported imported into Mysore from British India, an export license is necessary under the B^r Law; & an import license is necessary under the Mysore Law. The stamp required for the former is of British, & that for the latter, Mysore.

SECRETARIAT
3 APR. 1929
REVENUE BRANCH.

Secy Br
Secy
6/4

NOTE—Contn. Sheet.

File

/

8

44) For explosives (other than those coming under the Arms Regn^l ^{Exports from Barrington} there is no export license required under the British law, but an import license is required under the Mysore law. The officer empowered to grant this license is the Br. Resident, and the legal opinion is that it is the Mysore stamps that shd be used. It is in regard to this matter that the Residency has been insisting on the use of British stamps

45) In regard to the importance of Arms, ammunition, etc, (perhaps) the course suggested by me in para 19 might perhaps be tried.

46) In regard to the import of exports it might be pointed out to the President that the only duty leviable is under the Mysore law, ~~that~~ that in levying it the Resident exercises a function vested in him by Mysore law, & that therefore Mysore stamps should be used.

1st Member

47) Please let me see
the Indian Arms Pikes

13 4 29

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1874

NOTR—Contn. Sheet.

WD 01714-GPB-30,000-18-4-28

WD 01714-GPB-30,000-18-4-28
 May 16, 28 Referred to by the Pres in its
 letter of 12-9-25

1614

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No.

2263
2480
2615 } 18

First
Ref: - Member's minute of 16 $\frac{4}{28}$
(Para 47 - page 17).

48) Kind attention is invited to
the reference copy ~~of the~~ in the
file - May 11)

no
16/4/29. *for* *day 5*

Cur
17.4.29

49) $\frac{1}{5}$ Member

Cur
3 5 29
Cur
3/5

50) Some further investigation is necessary
before the course of action to be taken can be
decided upon. The position is somewhat com-
plicated by the fact that explosives are dealt
with both under the Explosives Law and the Arms
Law. There is no provision in the Explosives
Law of British India for issue of licenses for
export therefrom of explosives. It would
appear that exports of explosives are dealt
with under the Arms Law which provides for an
export license. In the case of exports into
Indian States, the Residents concerned are
authorised to issue export licenses: vide
Schedule ^{VI} of the Indian Arms Rules. Item 1
in Schedule 1 of our Explosives Rules apparent-
ly refers to exports from British India and
not ^{to} imports into Mysore. The description of
this item as referring to importation does not

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2615 19

~~therefore~~ seem to be correct. The fee prescribed for this Import (?) License is Rs 5, while the fee for ^{an} Import License~~s~~ under the British Indian Law is Rs 10/-; vide item No. 1 in Schedule II of the British Indian Explosives Rules. There could not have been any intention to prescribe in Mysore a rate of fee for Import Licenses different from that levied in the case of similar licenses in British India considering the fact that in the case of all other licenses we have adopted the British Indian scale of fees. Applicants for licenses ask for permission of the Resident to import explosives into Mysore. The Resident is not authorised under the British Indian Law to deal with applications for Import Licenses. The applicants have therefore to ask the Resident to issue licenses for export of explosive from British India. Then again, the Resident in Mysore is not an officer amenable to the Mysore Law and he cannot be a license issuing authority under that law. It would appear from all these facts that export licenses ^{from} British India and import licenses ^{into} Mysore were confused when the Rules were framed and item No. 1 in Schedule 1 of our Explosives Rules was inserted as if it covered both classes of licenses.

57) The Government of India insist upon licenses for export of explosives from British India

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No.

2615 20

India and ^{the} levy of a fee of Rs 5 per license and they take this action under their Arms Law. This fee~~s~~ has therefore to be paid and the stamp to be used should necessarily be ^{the} British Indian stamps. Under our Explosives Rules, an import license is ~~quite~~ necessary for bringing explosives into the State: vide Rule 11. But the Rules do not prescribe the form of Import Licenses or the fee to be ~~xx~~ levied for them, or the authority to issue them. The insertion in the Schedule ^{of our Rules} of the Resident in Mysore as the authority to deal with import licenses is ~~obviously~~ incorrect as stated above. The British Indian Explosives Rules prescribe a separate form of Import License and require the imposition of a fee of Rs 10 per license. There is no reason why the position in this respect should be different in Mysore. We have therefore to insist upon the applicants taking out import licenses ^{on} ~~of~~ paying sum of Rs 10/- to the Mysore Government. We have also to prescribe the form of license and specify the authority who can issue import licenses. ~~The~~ Rules will have to be amended to secure these objects.

52) Before, however, taking action as above, we may ascertain what exactly is the position in the Civil & Military Station in regard to the import of explosives into the Station. The law in force in the Station is ~~technically~~ different from that in British India. Exports ^{from} ~~of~~ British

tho' it is the same in
Substance

NOTE - Contn. sheet

26/5

21

General and Revenue
Secretariat

Genl. File No.

1

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of 1923.

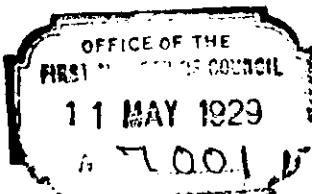
Serial
No.

British India of explosives into the Station apparently require ~~an~~ export license under the Indian Arms Law and imports into the Station should require separate import licenses under the Explosives Law as in force in the Station. Information on this point will help us to decide what action should be taken to rectify the mistake which ^{which appears to have} ~~has~~ crept into the Explosives ^{our} Rules

The Residency may be requested to give us this information. We may also bring ~~it~~ to the notice of the Residency the provision in regard to import licenses as it appears in our Rules- item No. 1 in Schedule 1 of Explosives Rules- and ascertain whether there is any correspondence with them on this subject. The Resident could not have ^{made} been a licensing authority under our Law without his consent and if no such consent has been obtained, it is an additional proof of the mistake in our Rules referred to above.

53) Please put up dt 7 letter to the Residency. Mull
4/5/29

4 5-29



NOTE - Contr. sheet

54/ Reled. with a draft. 6/5
 55/ Draft appd. Please send to 13/5/29
 10/5/29. (Rules for ref to Residency) 15-29
 1st Member 15-29

Serial
No.

68

To the Secy. to the ~~Comm~~ Resdt.
no. Pol. 1173 of 16.5.29.

Requests additional
information in as regards
the ~~Explosives~~ in front of
Import licenses as in force in
the C + M. station & c.

82

From the Secy. to the Resdt.

no. 5724/10/29 of 3-7-29

Furnishes the information
called for above & invites
attention to Residence letter
no. 3287 of 10-7-1900.

56) Letter no. 3287 of 10-7-1900
referred to in the Residence's Court
seems to be important.

57) All ~~also~~ the ^{Sub} records prior to
1915 re Explosives & mines are
in the Chief Insp's office a
draft. requesting him to forward
the file on the subject is put up for
appr.

8/7/29

58) Same
can
7.7.29

83

To the Chief Insp. of Mines

no. D. 331 of 10.7.29

Requests him to form and the
file of conce contr. letter of 10.7.00



Serial
No.

from the Residence report to in
Sl. 82

84 From the Chief Insp^r
No. 102 dt 11-7-29.

Forwards the conce following
letter to No. 3287 dt 10-7-29 from
the Residence.

59) The file of conce recd. from
the Chief Insp^r of mines does not
contain the letter dt 10-7-29 from
the Residence as now required.

Attempts are also being made
in the Records (B.R.S) to find out
^{whether} the file ~~is~~ available or not.

~~Another conce to be taken~~

60) From the pencil note made
on the flap of the file board recd.
from the Chief Insp^r of mines
it seems that there is another file
on the subject of "issue of import permits"
in that office & the same may
also be useful in ~~the~~ disposing
of the present question.

61) Draft calling for the same is
however subd. for appl.

no.

16-7-29

62) same

17-7-29

86

To The Chief Inspector of Mines

No D 615 dated 18/7/29

Requests him to forward file No Ex 5/1921-22
of his office re. issue of import permits

Serial
No.

Letter no. 159 dt 20.7.29 from
the Chief Insptr. of Mines.

Forwarded file of papers
called for in sl. 86 (overleaf).

63) Points raised in the members' minute
dated 4.5.1929 :-

(1) Para 51 in page (20) :-

"The insertion in the schedule
of our rules of the Resident in Mysore
as the authority to deal with import
licenses is incorrect". ~~Reservations:~~

No provision was made as
regards this ~~note~~ in the first
edition of our Rules published
in 1914. Subsequently the Residency
at the instance of the Govt. of
India, suggested the adoption
of Govt. of India revised Explosive
Rules. (Vide para 1 of the then second
members' final note - dt 8.1.1918 in
Geol. 69-15). The question of the
revision of our Rules was accordingly
taken up, and the ^{insertion of a} new Rule ^{+ Schedule C} ~~was~~
~~was~~ recommended, ~~that~~ by the then Insptr.
of Explosives, ~~for insertion~~ -
(Vide portions marked in red ink
in Geol. 69-15 - flags N + E and as
regards the grant of import permits
please see portion marked in red
ink - flag K). The fee of Rs. 5/- was
also fixed as in the case of Export licenses.

copy sent to

Serial
No.

for "Ammunition", because
"Explosives" is included under the
same - vide Section 4 of Act 71 of
1878 - Indian Arms Act, and Sect.
13 of our Explosives Regs. - II of 1888.
(Point 2.)

"Insisting on the applicants taking
out import licenses on payment of
Rs. 10/- to our Govt".

In consideration of the facts
contained above it is a point for
~~consideration~~ orders.

(Point. 3) - para 52 of notes - pp. 20. 21:

A reference ^{was} made to the Resident
& the reply received therefrom contains
information on the several points
(64) A copy of the Law in force in the
C & M. Station, and Sect. files (Legis.
124-00) containing the letter no. 3287
of 10.7.00 from the Residenty rept. in
p. u. 2 are filed.

(65) The original correspondence
that was being dealt with in the
old Geol. Sect. - subsequently transf.
to the ~~Chief~~ Explosives Dept. - re.
the importation of Explosives into
Mysore was also sent for for
files. but they seem to serve
no useful purpose as regards
the disposal of the question on
hand. They are however

Serial
No.

linked with the file, and may be returned after the question is finally disposed of.

22/11/8.29.

66) It is clear from the reply of the Residency that the term "explosives" as understood in our Explosives Regulation comes under "ammunition" as defined in S. 4 of the Indian Arms Act. Thus being the case, under Rule 17 (1) read with schedule ^{(1) a (2)} VI of the Ind. Arms Rules the Resident is the authority to grant licenses for the export to (i.e. import into) Mysore of ammunition and Military Stores & the fee for license is to be in form VI (Flag C) & the fee of Rs 5 therefor to be paid in accordance with Rule 45 (1).

67) It is obvious, therefore, that what is referred to in Schedule I of our Explosives Rules is the license mentioned above & not a separate import license. Apparently, the Mysore Govt. has no authority to license the import into the State of Ammunition or Military Stores. All that it may do is to grant a possession license to the prospective importer & this possession license must be submitted with the import application for the import license to the Resident (vide foot note to Schedule I of our Explosives Rules). The fee for this possession license is fixed in the same schedule & of course goes to Govt. Such a possession license was insisted on by the Residency in 1900 (vide Flag D).

In the Coll. Station also there is no separate

Why not?

Because I think that under the Ind. Arms Rules the Resident is the authority to license the import of arms or ammunition into Mysore & according to S. 13 of our Explosives Rules Regulation nothing in the Regn. shall affect the provisions of the Ind. Arms Act 1878 etc. The section relating to importation in the Exp. Rules seems to have been introduced merely in the strength of the Arms Rules (the this connection please see Flag E & F (for this marked) where it is clearly stated that the Resident is the authority to grant import permits. This phrase see Residency letter of 1900 (Flag D) where the word import is deliberately used - specially para 4. Our Arms Regn. also is silent about importation of arms or ammunition.

146
626
712

27

Serial
No.

import licence, the licence granted for export to the Station under the Ind Arms Rules being equivalent to an import licence. The confusion arises from the use of the words "export to" to signify "the export from Br. India for import into a Native State etc." The licence is both an export or an import licence.

68) The Resident, Mysore, appears to be the sole authority to licence the import of explosives into Mysore or he derives this authority from the Indian Arms Rules or not from our Explosives Rules. The fee for such an import licence must, therefore, be paid as required by the Residency or there seems to be no necessity for a revision of our rules.

Says

Cl
27.8.29

69) The "import" ^{importation} referred to in Chap III of our Rules, interpreted in the light of the ~~the~~ specification, in ~~the~~ Schedule of the Br Resident as the licensing authority and of the fixing of the fee of Rs 5 — is merely the "export" of the Br Indian Law, looked at from our side of the frontier line. In this view, rule 11 merely reaffirms ^{in other terms} the Br Indian Law that a licence (of fee - Rs 5) is required for ~~exported~~ exporting explosives into Indian States. ^{So far as this goes} Our present ~~statement~~ ^{statement} seems ~~to be~~ ^{merely} ~~merely~~ ^{in regard to export into} ~~and not~~ ^{the making of a new rule.}

70) Under sec 4 of our Regn of 1888

See also see portions marked in flags E & K.

Serial
No.

we certainly have the power to regulate the import of explosives - which means that we can insist upon our importers taking out a license from our authorities, for explosives for which the Resident has already granted a license. (Calling the Resident's license an "import license" is of course a misnomer)

11) ~~In the case~~ ^{If we did so, however,} each consignment of explosives coming into Mysore ^{would} ~~would~~ have to take out two licenses & pay two fees: (1) an "import" (really export) license for Rs. 5 from the Resident and (2) an import (properly so-called) license from the Mysore authority for which, if we followed the Br. India precedent, we could fix a fee of Rs. 10/-

12) This is certainly possible in law, but I would submit ^{it would} ~~not~~ be expedient; for it would make our blasting material much more expensive than it is; and since there is no import duty in the C.T.M. Stn, there would be extensive smuggling.

13) We may, on principle, insist on our importers taking out a free license from the Dist. Master on stores covered by the Resident's license; and also ~~enter~~ ^{amend} the schedule in our Rules. We need not specify the Br. Resident as ~~importing~~ ^{an} authority under our law for granting importing licenses, when

146
426
712

App. F. III-2]

General and Revenue
Secretariat.

File No.

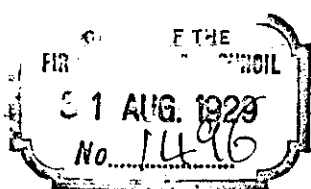
of 1928

Serial
No.

he really is not. We might substi-
tute "Dist. Mangle" for ^{"The Humble"} ~~Resident~~ in
"Mangle" and "in" col 5, and
"Free of Charge" for "Rs 5" in col 6
of Schedule I

(1st Member)

27
30 8 29
Cen
30/8



74) I agree with Dev Secy. The doubtful
points have now been cleared up.

75) The Stamp duty on licenses
- for export from British India - issued by
the Resident - is not an revenue.

76) The Resident issues Export
licenses under the law of the Gov
India and not under our laws.
Item 1 of Schedule 1 of our Explanatory
Rules is Wrong and it has to be replaced
by an entry as suggested by the
Dev Secy. Licenses for import into
the State may be free of Charge.
There is no import license form in
our rules and it has to be included.

NOTE—Contn. sheet

Serial
No.

The first note on page 37^{enr} of Explosives Rules
May remain as it tells applicants that
they have to obtain export licenses
in addition to import and possession
licenses. The note requires the
following changes:-

77) Substitute 'export' for 'import' in line 1

do 'licenses' for 'license' in line 2

Add 'import and' before possession in line 2

78) Early action may be
taken to amend the Rules. I

believe we have told the Lt
Magis that pending further
instructions applicants may use
Portuk stamps and a final
Commⁿ to them on this point
may be issued.

79) Please put up ofl
on this

NR

Mull

719/29

NR

9 9 29
Cen
9/9

Refec: - Para 79 of notes
80) Draft subd.

22/11.9.29

81) Ofc. for approval

Secy

82) Clean off as revised

NR

Cen
12.9.29

NOTE—Contn. sheet

12/9

169/29
Cen
16/9

Serial
No.

Refec: - Para 82 of notes

83) Clean draft put up

18-9-29

Secy D

84) In appl

18-9-29

1st Member

85) Appd

20-9-29

Please take early

86) action for amending Rules

29-9-29

87) Issue

20-9-29

20-9-29

88) to the district magistrates

no. 3788-45 of 8-10-29

Issues instructions in the
matter of use of Rs. Indian non-
judicial stamps &c. with appli-
-cation for import of explosive
from Br. India into Mysore

no. D 3746 / 8-10-29

To the Chief Insp

Forwards copy of the above
Resolved

88) A final communication to

Serial
No.

the 8th magistrates has been issued as ordered - (Para 78 of notes - page 30).

89) Kind attention is invited to the concluding portion of para 73 of notes - page 29) ^{issue of} ~~amendments~~ ^{amendments} in columns 5 + 6 of Schedule I - 8. No. 1. as suggested by the Secy, and approved ~~of the~~ by the member (Para 74 of notes) may not satisfy ~~the present~~ unless column 2 is also amended, and new "Import license form" introduced - vide para 76 of member's minute - marked in red ink at the end of page 29 of notes).

90) For orders

11.10.29

91. I believe the present rules have been made with the concurrence of the Board. It would, perhaps, be necessary to consult him again. Also, it has to be considered whether the grant of import license would contravene article 7 of the Mysore treaty (copy put up) as explosives come under the definition of "ammunition" in the Indian Customs Act.

Secy)

92 Please put up off of a letter to the Res^y explaining the reasons for the amendments proposed

NR

29.10.29

cc 307x

712

33

General and Revenue
Secretariat.

File No.

App. F. III-2]
of 1928.Serial
No.

93. Intd with a draft to the Residency.

M.V.

18.11.29.

94. Off. for approval

- Secy

95. Please put up clean draft as revised

Cen
25.11.29

W.F.

25.11.29

Cen
25/11.

96. Typed draft subd.

M.V.

25.11.29.

- Secy

97. In app

1st Member

Cen
26.11.29

W.F.

27.11.29

Cen
27/11

98.

M.V.

29.11.29

W.F.

29.11.29

Cen
30/11

99.

M.V.

2-12.29

100.

Issue

W.F.

3.12.29

Cen
4/12

No. 3139

DEWAN'S OFFICE

No. 2276

NOTE.—Contn. sheet.

geol

File No.

of 1928

712 # 29-30
902

34

Serial
No.

89

To the Secy to Govt the Hon'ble the Resident in Mysore, Bangalore. No. Pdt 642 d. 5.12.29. States that the Govt of Mysore propose to make it incumbent on prospective importers of explosives into the State to obtain import licenses in addition to the permission to and the British Indian Export licenses now required and requests to be informed if the paper to the Hon'ble the Resident as the authority for grant of import licenses in Schedule I of the Mysore Explosives Rules may be omitted as proposed in the letter.

Yes B may
till the end of March
1930.

REV. SECRETARIAT
14 DEC. 1929
DEVELOPMENT BRANCH

90

From the Secy to the Hon'ble the Resident in Mysore No. 5884 d. 25.7.30. States that in the circumstances explained in 89, the Resident sees no objection to the attenuation of Item I of Schedule I of the Mysore Explosives Rules, that dealers in explosives may be instructed to submit their applications thru the Mysore Govt and that it is presumed that in forwarding such applications the Mysore Govt would certify the stock in hand and state the quantity of explosives recommended for exportation under the license, due allowance being made for the quantity which is likely to be sold before the receipt by the applicants of the fresh consignments.

101

Guided for orders with ref.

MAR. 1930
21.7.30.

Serial
No.

102. As regards the point raised by the Residency,
applications are in fact submitted at present
thru the Govt. So there can be no objection
to add this instruction to the note as suggested.
103. With regard to the certification of stock,
this is at present being done by the St.
Magistrates. They may be asked in future to make
allowance also for the quantity which is likely
to be sold before the arrival of the first stock.
(Sd/-)

Ca
5/8/30

104. The suggestions made by the
Residency seem to be unobjectionable
and may be adopted. If approved
further formal action will be taken
to propose the amendments

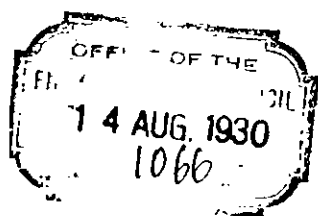
First member.

Bu.
13/8
Ca
13/8

105. Please note with ref to form
of Export license if the certification
referred to is necessary and if so
by what authority it has to be
made. If any information on
points mentioned is now being
given ^{the practice} may continue, we
need not agree to give any

additional information

Ca
14/8
14/8
30



712
902

36

App. F. III-2]

General and Revenue
Secretariat

File No.

of 1928.

Serial
No.

106. With refer to the 1st Member's ~~own~~ queries on the last page of the memo it is ruled that neither in Schedule VI nor Form VI of Schedule VIII of the Indian Arms Rules of 1924 which relate to Export License is any information given as to whether it is necessary to certify the stock on hand, as to whether the quantity of explosives recommended for exportation should be specified making allowance for the quantity likely to be sold before the receipt of fresh consignments by the applicants. Only the headings "Description" and "Weight in ^{in Form No. 24} ~~seers or pounds~~" under the column "Ammunition" are mentioned and condition 12 simply states that the license is granted subject to all the provisions of the Indian Arms Act of 1878 and of the Indian Arms Rules of 1924.

Yuled for order.

23.8.30.
25.8.30. ²⁵ There seems to be no authority for such certification. However, in some cases, the St. Magps. while forwarding the applications also send with them stock certificates.

Seys

Co
19/30

108. Neither Schedule VI nor Form VI of Sch. VIII make mention of the need for certification nor do they contain any column to that effect. All this would be additional information which we want

37

File No.

of 1928

General and Revenue
Secretariat

be furnishing to the Residency
in case the present proposal is given
effect ~~it~~ to. This does not appear
to be necessary

109. Further the Export License granted
by the Resident is practically an
Import License and in this view
any alteration of item 1 of ~~the~~ Sch I
of the Rules under the Mysore Exp.
Regn becomes unnecessary for
two reasons.

1. Rs 5 noted in Bth Col against
item 1 in Sch I may by mere
certification be explained to
mean in cash or C. notes or in
the form of non Govt B.C. India
Stamps or Mysore Govt Stamps
purchased ^{within} the C.P. Station
2. Any import license specially
introduced by us will not be
stamped & cannot be made
to be a source of revenue as
explosives are necessary & restric-
tions in regard to their import
would not appear to be

Note-Contn. Sheet

702

38

General and Revenue
Secretariat

App. F. III-2]

File No.

of 1928

DEWAN'S OFFICE
9 SEP. 1930
1091

OFFICE OF THE
THIRD MEMBER OF COUNCIL
8 SEP. 1930
204

Serial
No.

desirable. If this view is accepted the question
may be dropped

This member

Certification does not seem
to be necessary

Devance

18/9

cc
8/9

We may require the applications for
Export licenses to be sent thro us
This will be only an executive
provision as the law does not
require this procedure - Please verify
this point. This may be pointed
out to the Presy.

As for Certification
Please say that it is not
required acc to the Rules &
the forms applicable to
the licenses under consideration

(Muh
3(1/3)

A draft may be put up.

Bu. 3/1.
cc
3/1.

Draft to the Presy subd.

M.V. K.P.
13.1.31.
TH

Please type as revised
cc
8/1

Let him know
The rules do not prescribe
this procedure at present
but plan to recommend
to prevent the addition of
new applications to the list
of the proposed alterations in
the schedule under the sub-
mitting power of Govt. the
C.P. may also, needs to be
considered
cc
Gm. Secy 15/1

39

90

Genl. File No

.of 1928

General and Revenue
Secretariat

Typed draft ruled

M.W. 15.1.31
Spec for approval
Genl. Secy

Ce
15/1

Please See my

Rd
(6) 13.1.
Ce
16/1

Spec. reviewed as per instructions of Genl. Secy who also thought that C.R. may be consulted.

For favour of opinion. The facts of the case are contained in our letter to the Presidency, flagged I. The present letter of the Presidency under reply is with refer. to that. Opinion is required as to whether the statements made in the draft are in order whether the ^{proposed} executive provision may be made. C.R.)

I have made a slight alteration in the draft reply

Spec: Secty with compro

Rd
15/1

In appe

1st Member)

Mue

12/12/31

Secy
12/1

Serial
No.

GENERAL SECRETARY.
16 JAN. 1931
No.....

204
Law

No objection, though I think the right

Spec
The Secy
Subd to the Secy
Rd
6/3(3)

11 JAN 1931
No. 366

Note-Contn. Sheet

12 3 31

902

60

General and Revenue
Secretariat

File No. 1

App. F. III—2]

of 1936

Serial
No.

91

To The Secy to the Hon'ble The Resident in Mys-
No. Pol. 905 d. 14.3.31. States that ^{The Mysore} Govt have
no objection to his proposal (in sl. 90), that
this such a direction would only be in the
nature of an executive provision as it is
not prescribed by law and that as re-
gards certification of the stock with the
importers it is not required by the rules
& forms applicable to such licences.

B
MAN
16.3.31

DEVELO

Note—Contn. Sheet

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The questions that are asked
in paras 20 to 22 are

1) Are there export licenses
provided for in the Br Indian
Explosives Rules? And if so do such
licenses require Br Indian Stamps
when the explosives are required to
be imported into Indian States?

2) If export licenses for explosives
are provided for in the Br Indian
Law, how does it happen that they
have not been provided for in Ours?

The Indian Explosives Rules
do not provide for any export
licenses, since the Indian
Explosives Act of 1884 is an
Act to regulate the manufacture,
possession, use, sale, transport
and importation of explosives
and section 5 gives power to
make rules for the same. But
the Indian Arms Act, ^{Section 6} and
the Rules thereunder provide

N. B.--Should routine notes be written on small slips
the notes must be copied, or slips pasted on
this form.

for an export license, in the
Case of arms, ammunition or

G. R. S. III-3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The second question does not arise since even under the Indian Explosives Rules, no export license is needed. ^{But} the Mysore Arms Regulation & the Rules thereunder ^{perhaps for obvious reasons, provide} do not ~~also prescribe any~~ export license, ~~for the obvious reason that no arms, ammunition or military stores can be exported out of Mysore~~ similar to ^{the one} that provided for in the Indian Arms Rules.

It is however a point for consideration whether it is at all necessary for a Mysore importer to get an import license ^{under the Mysore Rules} from the Resident in addition to ~~the same~~ in addition to the export license that he has to get from the same officer under the British Indian Law. If this is considered unnecessary the Mysore Explosives Rules have to be suitably amended.

N. B. - Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

674

gun powder + ^{63a} Sulphur

1) Are they "ammunition"
or "Military Stores" for the export
of which from Br. India
a license is required
under the Indian Arms Act
rules?

2) Are they "Explosives"
for the export of which
from Br. India a license
is required under the
Indian Expl. Act rules?

These put up a
copy of the Indian Expl. Act
of 1884. ^h
25/10

Submitted

1623 of 28-29 July
P

Under section 4 the definitions in section 6 of the Indian Arms Act, "gunpowder" seems to ~~be~~ come under "ammunition", as it is an explosive or fulminating material -

Sulphur is expressly excluded from the definition of "ammunition" but is included in that of the "Military stores" -

Consequently, licenses for exporting both are necessary under section 6 of the Arms Act.

Both gunpowder + Sulphur also come under explosives as defined in the Explosives Rules - Licenses under these rules are necessary only for importing or transporting - (Vide chapters III + IV).

in R.H.
to be put in the
the Indian Explosives
Act 1884 = Section
11

Done
27/10/28

~~at 28/10/28~~

Send with a copy of the Indian Explosives Act

31-10-28
R.H.

Please see sl. No. 1 in Schedule I to the Indian Explosives Rules & put up the papers showing how the Resident came to be appointed as the authority to grant without license.

27/11

ROUTINE NOTES.

be used only for notes, requisitions, etc., not intended for permanent record.]

Subd note the File 69-15-
 No 3-25 - containing the
 Rules under the Explosives Regulation
 The question as to ^{why and} how the
 Honorable Resident has been
 made the licensing authority for
 the import of explosives has not
 been discussed. It has been
 presumed that the licensing
 authority is the Honorable Resident.

1941/11/28
 1941/11/28
 1941/11/28

The files relating to
 the issue of the existing
 Explosives Rules, as well as the
 one relating to the issue of
 the earlier rules have been
 looked into, but no information
 is found on the point raised by
 the Secretary.

Subd note the
 file relating to the
 passing of the Explosives
 regn. II 1941

19/11/41

N. B. - Should routine notes be written on small slips
 the notes must be copied, or slips pasted on
 this form.

Reference is made to
 the explanatory note filed N. 272
 in Subd file 69-15. While
 the necessity for a rule re

W

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Subd into the File 69-15.

Ms 3-25 - Containing the Rules under the Explosives Regulations. The question as to ^{why and} how the Honorable Resident has been made the licensing authority for the import of explosives has not been discussed. It has been determined that the licensing authority is the Honorable Resident.

B
1941/11/28
1942
1941

The files relating to the issue of the existing Explosives Rules, as well as the one relating to the issue of the earlier rules have been looked into. But no information is found on the point raised by the Authority.

Subd into the file relating to the passing of the Explosives Regn. II 1941

19/11/41

Reference is invited to the explanatory notes filed N. 272 in Serial File 69-15. While the necessity for a rule re

46

G. R. S. III-3]

1623 of 28.
f

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

imputation & the adoption of the
form of license for this purpose was
recognized, the reason for the
~~Statement that~~ the Rendell
is the ~~author of~~ coming imput
permits, ~~under~~ under the purpose
Regulation, has not been stated
The Rendell do not also seem
have been consulted before the
work of these rules.

Forces (Both the files in the
existing old rules are present)
11/12

167
British Indian Stamp. Paper - Rs. 5

To
The Honble the Resident in Mysore
Bangalore

Through

Sir, I beg to apply for a license to import into this
the explosives herein
state
noted.

1. Name of license holder or Agent

2. No. of package

3. Arms { i) Description
 { ii) Number

4. Ammunition { i) Description
 or
Military stores { ii) Weight or Number

5. Place of Despatch and Route -

6. Purpose for which required -

7. Place of destination -

8. Name, Description & Residence of Consignee

9. Remarks.

I have the honor to be

Sir

Your most obedient servant

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. 8591 ENC. 6

Geol. 1-28-14
12396

FROM

A. C. Lothian, Esquire, I.C.S.,

SECRETARY TO THE RESIDENT IN MYSORE.

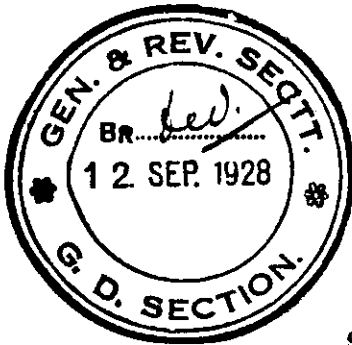
To

The Secretary to the Government of Mysore
Development Departments.

Dated Bangalore, 12 Sept. 1928

Subject.

Grant of export licenses



SIR,

With reference to your letters No. 279/Geol. 1-28-10 and No. 280/Geol. 1-28-11, dated the 5th September, 1928 regarding the grant of licenses for the export of sulphur and gunpowder, etc., from Bombay to the Mysore State by the marginally noted persons. I am directed to invite a

- | | | |
|---|---|--|
| (1) Mr. Sab Jan Sab,
Bangalore City. | } | reference to rule 48(1) of the Indian Arms Rules, 1924, and to state that British India non Judicial stamps or cash or <u>Mysore</u> General stamp papers purchased in the Civil |
| (2) Mr. P.M. Basappa,
Proprietor,
R. Rappanna & Sons,
Bangalore City | | |

and Military Station. Bangalore. will be received in payment of license fees.

2. I am, therefore, to request that the applicants may kindly be asked to submit their applications with the required stamp papers. The enclosures to your letters are returned herewith.

I have the honour to be,
Sir,
Your most obedient servant,


Captain.
for SECRETARY TO THE RESIDENT.

Col. 1-28-15

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. 8759 ENC. 3 2
13150

FROM

A. C. Lothian, Esquire, I.C.S.

SECRETARY TO THE RESIDENT IN MYSORE.

Refer
WK
19925

WR
19/9

To

The Secretary to the Government of Mysore,
Development Departments.

GEN. & REV. SECTT.
2430
SEP. 1928
DEVELOPMENT BRANCH

Dated Bangalore, 18 Sept. 1928.

Subject.

Pol. 290

R3
18/9/28

GRANT OF EXPORT LICENSES.

GEN. & REV. SECTT.
BR. Secy.
18. SEP. 1928
G. D. SECTION.

SIR,

With reference to your letter No. Pol.290/Geo.5-27-71, dated the 10th September, 1928, regarding the grant of a license for the export of ammunition from Bombay to Saklespur by the marginally noted person*

* Mr. G. Venkataramaiya,
Merchant,
Saklespur.

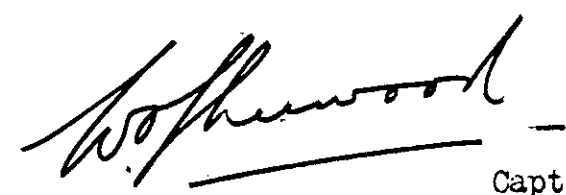
I am directed to invite a reference to paragraph 1 of this Residency letter - -

No.8591, dated the 12th September, 1928, and to request that the applicant may kindly be asked to submit his application with the requisite stamp paper or cash. The enclosures to your letter are returned herewith.

I have the honour to be,

Sir,

Your most obedient servant,



Captain.

for SECRETARY TO THE RESIDENT.

0970

SUBJECT.....

Diary No. of letter replied to.....

Section *evol*File No. *1-28*Serial No. *20*No. *D 4283-90*

General and Revenue Secretariat

()

the

192

To

*the District Magistrate
of Districts*Date of issue.....*12.10.28.*Signed by *Mr. V.V.**g*

List of enclosures.....

Copied by.....

Examined by.....

Sir

modification

In continuation of

this office D.O. Circular

no. D. 1422-29/Evol. 5-27-6

of 6.8.28 regarding the

use of Mysore General

Stamp paper in cases of

applications for import

under the Explosive Rules

licenses, I am directed

to state that pending

final decision regarding

the question whether

Mysore stamps and no.

Pr stamps should be

used, British stamps may

be used or Cash paid.

over

on applications for such
licenses

the marginally noted
applications received

These offices are here with
mean act & immediate
desired for, submission
in the light of the instructions conveyed above
~~no direct action~~

I have to

UP
9/10
HJ
9 10 28
Dev! Sep

Subject to above

Barrington,
Harrison
or H & H

Mug
9/10/28

SUBJECT.....

Diary No. of letter replied to.....

Section *Genl*
File No. *1-28*
Serial No. *68*

No. *Pol. 1473* Encls. *one*
work

General and Revenue Secretariat

()

the

192

To

the Secy. to the Honble
the Revd. in Mysore

Date of issue.....*16.5.1929*

Signed by *Mr. N. Rama Rao*

for

With reference to Govt
letters nos. 8591 and 8759
dated the 12th and 18th Sept
1928 respectively. I am directed
to request ^{you} to kindly furnish
if there is no objection
~~information on the~~ ^{The} following
information which is required for
purposes: - settling some points - for in
relating to the ^{Mysore} law

List of enclosures.....

Copied by.....

Examined by.....

1) What the law in
force in the C & M. station,
Bangalore is, as regards
the grant of licenses etc.
over

G. R. S. G/33]

GENERAL AND REVENUE
SECRETARIAT.

(Continuation sheet draft form.)

mul
13 5 29

3/7
early reply ~~on each of the~~
~~points referred to above is~~
~~requested~~

I leave to

AK
Dev. Secy

8

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat,

No. Pol. 1173
Exd. 1-28

Dated, Bangalore, 16/5/29

From

N. RAMA RAO, Esq., B.A., B.L.,
*Secretary to the Government of His Highness the Maharaja of Mysore,
Development Departments.*

To

*Secretary to the Hon'ble the Resident in Mysore,
Bangalore.*

Sir,

With reference to your letters Nos. 8591 and 8759 dated the 12th and 18th September 1928 respectively, I am directed to request you to kindly furnish, if there is no objection the following information which is required for settling some points relating to the law in force in Mysore.

(1) What the law in force in the Civil and Military Station, Bangalore is, as regards the grant of licenses etc., in cases of possession, manufacture, export and import of explosives.

(2) Who is the officer authorised to issue licenses for import into the Station of explosives and what is the license fee?

✓ (3) Whether a separate license also is being required for the export of explosives from British India into the Civil and Military Station under the law in force there, and if so what is the fee required for the license.

2. In this connection I am further to invite your kind attention to item No. 1 Schedule I of Rules (copy enclosed) under the Mysore Explosives Regulation and to request you to

to kindly state whether there is available in the Residency any correspondence in regard to the arrangement under which the Hon'ble the Resident issues licenses for import of explosives into Mysore. If so, I am to request that references might be kindly given, and copies of relevant papers sent for the information of His Highness's Government.

The favour of an early reply is requested.

I have the honour to be,

Sir,

Your most obedient servant,

FAIR DRAFT.



Secretary to Government,
Development Departments.

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. 5724 ENC. 1
1/1929.

10
146
5 JULY
GEN. & REV. SECRETARY
DEVELOPMENT BRANCH

FROM

Major G. Loch,
SECRETARY TO THE RESIDENT IN MYSORE.

The Secretary to the Government of Mysore,
Development Departments.

Dated Bangalore, 3rd July, 1929

Subject. Geol 1-28-82

Licenses for the export or import
of explosives.

SIR,

I am directed to refer to your letter No. Pol.1173/
Geol-28-68, dated the 16th May, 1929, and to state as
follows:-

Paragraph 1(1).

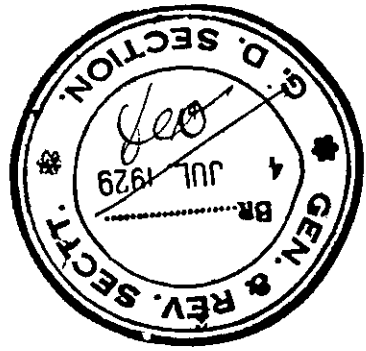
The law in force in the Civil and Military Station,
Bangalore, ^{is} the Bangalore Explosives Rules, 1915, a copy
of which is enclosed.

Paragraph 1(2) and (3).

The list of officers authorised to issue licenses
is given in Schedule I of the Bangalore Explosives Rules,
1915. Provision for the importation of explosives into
the Civil and Military Station, Bangalore, has not been made
in the Rules, as explosives are brought into the Station
under licenses issued by this Residency under the Indian
Arms Rules, 1924. A license for the export of explosives
from British India into the Civil and Military Station,
Bangalore, is required. The fee is Rs.5/-, vide Form VI
of the Indian Arms Rules, 1924.

Paragraph 2.

The term 'explosives' comes under 'ammunition' as
defined in Section 4 of the Indian Arms Act, 1878. Licenses
are



Pol. 24

Refer.
Please forward
Residency letter
3287 7 10 7 1502
To
4 7 29
R3
3/11/29

are issued by this Residency for the export of explosives to the Mysore State, under Rule 17 of the Indian Arms Rules, 1924. This is why item No.1 in Schedule I of the Mysore Explosives Regulation has been inserted. In this connection a reference is invited to this Residency letter No.3287, dated the 10th July, 1900.

I have the honour to be,
Sir,
Your most obedient servant,



Major.
for SECRETARY TO THE RESIDENT.

CVB

ASB

SUBJECT.....

Diary No. of letter replied to.....

Section

File No.

Serial No.

No.

General and Revenue Secretariat

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the

192

To

*the Chief Insptr.
of Mines*

Date of issue.....

10/7/28 fir

Signed by

M. S. N. N. N.

*I am directed to
request you to be so good
for the removal of Govt.
as to forward the late
Geol. Secretariat file of
correspondence contg.
Letter no. 3287 of 10-7-1928
from the Insptr. to the
Residence in the matter
of imputation & ca of
explosives from Br.
India.*

List of enclosures.....

Copied by.....

Examined by.....

I have

*Clk
9.7.29*

order. Lag

Telegraphic address :
"MINESPECTOR."

OFFICE OF THE CHIEF INSPECTOR OF MINES IN MYSORE,

No. 102

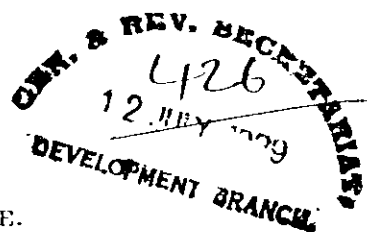
Dated Oorgaum, 11th July 1929.

Encl. One file (sent separately by Registered Post)

FROM

R. BOCQUET, Esq., J.P.,

CHIEF INSPECTOR OF MINES IN MYSORE.



To

N. Rama Rao, Esq., B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Departments, Bangalore.

Geol 1-28-84

Sir,

With reference to your letter No.D.331/Geol. 1-28-83 dated 10th July 1929, I have the honour to forward under separate cover the file of papers (Ex.5 of 1903-04) relating to correspondence following letter No.3287 dated 10-7-1900 from the Residency in the matter of importation, &c., of explosives from British India into the Mysore State.

The original letter received from the Residency is not to be found in the file. It was perhaps returned to the Secretary to Government, General & Revenue departments - vide Geological Secretary's letter No. 41-M/1900-1901 dated 1st/3rd August 1900 in the file.

The file of papers may kindly be returned to this office when done with.

I have the honour to be,

Sir,

Your most obedient servant,

R. Bocquet
CHIEF INSPECTOR OF MINES
IN MYSORE.

R. S.

SUBJECT.....

Diary No. of letter replied to.....

Section.

Geol

File No.

1-28

Serial No.

86

No.

D 615

General and Revenue Secretariat

()

the

192

To

the Chief Insp^t of
mines

Date of issue.....

18 / 7 / 25

Signed by

141

Sir

With reference to
your letter no. 102 dt 11.7.24
forwarding a file of papers
~~concerning~~ (Ex. 5 of 1903-04)
relating to certain corre-
spondence re importation & ex-
portation of explosives from Port India
I am directed to request
you to forward file
no. Ex. 5/1921-22 of your
office re issue of report
over

List of enclosures.....

Copied by.....

Examined by.....

units noted on the flap
the file would received
come from office

I have seen

Oct 29

Mr. DeWitt

no



D.M.E. 34.]

Telegraphic address :
"MINESPECTOR."

Geol 1-28-82
DEPARTMENT OF MINES AND EXPLOSIVES.

OFFICE OF THE CHIEF INSPECTOR OF MINES IN MYSORE.

Dated, Oorgaum... 20th July 1929
(S. India.)

No. *159.*

Encl. *one file sent by registered post.*

FROM

W.K. 21729
R. BOCQUET, Esq., J.P.,

CHIEF INSPECTOR OF MINES IN MYSORE.

To

W.K. 21729
N. Rama Rao, Esq., B.A., B.L.,

Secretary to the Government of

His Highness the Maharaja of Mysore,

Development Departments,

Bangalore.

Sir,

With reference to your letter No. D.615/Geol.
1-28 dated 18-7-29, I have the honour to forward under
separate cover the file of papers (Ex. 5 of 1921-22)
regarding the modification of procedure in the matter of
obtaining Import permits.

The file of papers may kindly be returned to
this office when done with.

I have the honour to be,
Sir,
Your most obedient servant,

R. Bocquet.
CHIEF INSPECTOR OF MINES

IN MYSORE.

R.S.

SUBJECT.....

Diary No. of letter replied to.....

Section

Geol

File No.

1-28

Serial No.

88

No.

D 373845-

General and Revenue Secretariat

()

the

192

To

The District Magistrate
of districts

Date of issue.....

8 / 10 / 1928

Signed by.....

M. V. C. S. N. S. N. S.

List of enclosures.....

Copied by.....

Examined by.....

Sir

In inviting attention to this office Circular no. D. 4283-90 / Geol. 1-28-28 of 12.10.1928 in the matter of the use of Br. Indian stamps by applicants for the import of explosives into Mysore from Br. India, I am directed to state that as ^{the} license from the Honble the Br. Resident for which the fee is ^{is} ~~is~~ ^{really} ~~is~~ ^{an} ~~is~~ ^{over} due for the export of

comes from Br. India
 to Mysore, it should bear
 Br. Indian Stamp. I am
 therefore to request that, in
 future Br. Indian non-
 judicial stamps or Cash
 & Mysore General Stamp
 paper purchased in the
 P. & M. Stations might be
 filed with applications for
 import of explosives from
 Br. India into Mysore.

I have etc

WJH

Dev. Secy 1892

Mme
29-6-93

memo. D 3746 / ^{cr. 1899} Re filed by ...
 copy forwarded with

impts. to the Chief Inspector
 Mines & Explosives for
 information

the two files noted in
 margin preserved with his
 letters nos. 102 & 159 dated
 7-29 & 20-7-29 respectively
 are returned herewith.

By order

WJH

cr. 1899

Dev. Secy

WJH

Ex: 5-7-1903-4

.. 5-7-1921-22

To

18
/ Geol 1-28 89

The Secretary to the Hon'ble the
British Resident in Mysore, Bangalore.

S i r ,

I am directed to state that Rule 38 of the Rules issued under the Mysore Explosives Regulation II of 1888, read with item (1) of schedule I attached to the same, purports to authorise the Hon'ble the Resident in Mysore to issue licenses for the importation of explosives into the State the payment of a fee of Rs.5. This ^{provision} ~~is reality~~, is misleading, because what the Resident actually issues is a license to export explosives from British India to the State under the authority of Rule 17 (1) read with schedule VI (11) a (2), of the Rules under the Indian Arms Act. It is in fact, this latter rule which has been incorporated in the Mysore Explosives Rules; but the insertion of the Hon'ble the Resident in Mysore in ^{schedule} Section I of the Mysore Rules as the authority ^{empowered} ~~entitled~~ to grant an import license, ^{leads to the inference} ~~raises an implication~~ that the ^{power} ~~authority~~ under which the license is granted is one conferred by the Mysore Law, and that consequently the fee of Rs.5/- prescribed for the license is to be paid in Mysore Stamps.

As has been pointed out by you in your letters No. 5724 dated 3rd July 1929 and 8591 dated 12th September 1929 the fee of Rs.5/- being in reality one paid on the license granted to ~~British Indian dealers to~~ ^{for} export explosives into Mysore should go to the ~~British revenues, and has therefore to be paid in~~ ^{be paid in cash or in the form of the} ~~British Stamps.~~ ^{Stamps mentioned in the} ~~latter letter.~~

19

2 make the position clear and prevent all misconception

In order to ~~remove this anomaly~~, the Government of Mysore propose, under section 4 of their Explosives Regulations, to make it incumbent on prospective importers of explosives into the State to obtain Import Licenses in addition to the Possession License and the British Indian Export license now required. This Import License will be free of charge for the present and the authority to grant it will be the District Magistrate. This procedure will be effected by altering Item (1) of schedule I of the Mysore Explosives Rules as shown below. @

No.	Form of license.	Purpose for which granted.	Kinds and max. quantities of ~~exp.~~ for which granted.	Authority entitled to grant license
1	will (To be prescribed). ~~length~~	To import.	Any authorised explosive not exceeding the quantity authorised to be possessed.	The District Magistrate.

@ Application for the export of explosives from British India to the Mysore State should be submitted to the Honourable the Resident in Mysore together with the licenses granted to the applicant for import and possession of explosives.

I

This will be in substitution of the present no. 1 of the Schedule which is as under (five details) and which will be deleted.

I am to request you to be so good as to ~~State of the reference to the Honble Government with the views of the Resident as the authority for grant of Import license in the Schedule~~ May be omitted as proposed above I have, etc.,

27/11/29
Secretary to Govt.
Development Depts.
HAT

Fair draft

20

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 5 XII. 29

Pol 642 / Geol 1-28-89

From N. Rama Rao, Esq., B.A., B.L.,

~~XXXXXXXXXXXXXXXXXXXX~~

~~R. RANGA RAO, Esq., B.A., B.L.,~~

~~Offg. Chief Secretary to the Government of His Highness the Maharaja of Mysore.~~

Development Departments.

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

Sir,

I am directed to state that Rule 38 of the Rules issued under the Mysore Explosives Regulation II of 1888, read with item (1) of Schedule I attached to the same, purports to authorise the Hon'ble the Resident in Mysore to issue licenses for the importation of explosives into the State on the payment of a fee of Rs.5. This provision is misleading, because what the Resident actually issues is a license to export explosives from British India to the State under the authority of Rule 17 (1) read with schedule VI (1) a (2) of the Rules under the Indian Arms Act. It is, in fact, this latter rule which has been incorporated in the Mysore Explosives Rules; but the insertion of the Hon'ble the Resident in Mysore in Schedule I of the Mysore Rules as the authority empowered to grant an import license, leads to the inference that the power under which the license is granted is one conferred by the Mysore Law, and that consequently the fee of Rs.5/- prescribed for the license is to be paid in Mysore Stamps.

As has been pointed out by you in your letters Nos.5724 dated 3rd July 1929 and 8591 dated 12th September 1929 the fee of Rs.5/- being in reality one paid on the license granted for export into Mysore should be paid in cash or in the form of the stamps mentioned in the latter letter.

In order to make the position clear and prevent all misconception, the Government of Mysore propose, under Section 4 of their Explosive/Regulation, to make it incumbent on prospective importers of explosives into the State to obtain Import Licenses in addition to the Possession Licenses and the British Indian Export licenses now required. This Import License will be free of charge for the present and the authority to grant it will be the District Magistrate. This procedure will be effected by altering Item (1) of Schedule of the Mysore Explosives Rules as shown below

No.	Form of license.	Purpose for which granted	Kind and Maximum quantities of Explosives for which granted.	Authority entitled to grant licenses.	Fee.
1.	Will be prescribed	To import.	Any authorised explosive not exceeding the quantity authorised to be possessed.	The District Magistrate.	Fee of Charge.

Note - Applications for the export of explosives from British India to the Mysore State should be submitted to the Hon'ble the Resident in Mysore together with the license granted to applicants for import and possession of explosives.

This will be in substitution of the present No.1 of the Schedule which is as under: -

No.	Form of License.	Purpose for which granted.	Kinds and Maximum quantities of Explosives for which granted.	Authority entitled to grant license.	Period for which license is valid
1.	Such form as the Hon'ble the British Resident in Mysore may prescribe.	To Import.	Any authorised explosive not exceeding the quantity authorised to be possessed.	The Hon'ble the Resident in Mysore.	Rs. 5.

and which will be deleted.

I am to request you to be so good as to state if the reference to the Hon'ble the Resident as the authority for grant

92

of import license in the Schedule may be omitted as proposed above.

I have the honour to be,

Sir,

Your most obedient servant,



Secretary to Government,
Development Departments.

ACH.2.

Geol 1 42-710

No. 5884 Enclos.

Dated Bangalore, 25th July, 1930.

From

Major G. Loch,

Secretary to the Resident in Mysore.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,

Development Departments.

PROPOSAL OF THE MYSORE GOVERNMENT
TO INTRODUCE AN AMENDMENT IN THEIR
EXPLOSIVES RULES.

Sir,

I am directed to refer to your letter No. Pol.642/Geol.1-28 dated the 5th December, 1929, and to inform you that in the circumstances explained, the Honourable the Resident sees no objection to the alteration of Item 1 of Schedule 1 of the Mysore Explosives Rules proposed by the Mysore Government.

2. I am, however, to ask if the Mysore Government consider that it would be as well if dealers in explosives in the Mysore State were now instructed to submit their applications through the Mysore Government. If so, an addition to this effect may kindly be made to the Note against item 1, Schedule I of the Mysore Explosives Rules. In forwarding such applications it is presumed that the Mysore Government would certify the stock in hand and state the quantity of explosives recommended for exportation under the license, due allowance being made for the quantity which is likely to be sold before the receipt by the applicants of the fresh consignments.

I have the honour to be,
Sir,
Your most obedient servant,

Handwritten signature

for SECRETARY TO THE RESIDENT.

Govt 1-28-91

24

fol. 905 2/12/31

To

The Secretary to the Hon'ble
the Resident in Mysore.

Sir,

Adverting to your letter no. 5884 dated 25th July 1930 suggesting that a direction requiring dealers in explosives in the Mysore State to submit their applications for the export of explosives from British India to Mysore to the hon'ble the Resident in Mysore through the Mysore Government, may be inserted in the note against item No. 1 of schedule I of the Mysore Explosives Rules, I am directed to ^{state} ~~point out~~ that such a direction would only be in the nature of an executive provision as it ~~was~~ ^{does} not seem to be -- prescribed by law.

2. In regard to the certification of the stock on hand with the intending - importers of explosives, I am directed to state that ^{this also does not appear to be required according to the rules and the forms applicable to such licenses (vide schedule VI and Form VI of Schedule VIII of the Indian Arms Rules of 1924.}

It is not authorized by the rules.

I have etc.,

Secy. to Govt. Dep. Depts.

ACH.

15/1.

Mu.
(2/3/31)